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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/147,094	10/27/1998	AKIHIKO YAMASHITA	P-7355-8002	1236

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EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

31

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.  
**09/147,094**

Applicant(s)  
**Yamashita et al.**

Examiner  
**Wesner Sajous**

Art Unit  
**2676**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 16, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### **Remarks**

This action is responsive to the communication filed on January 15, 2003. By this communication, claims 1-9, and 11-13 are presented for examination.

### ***Response to Arguments***

1. For brevity, the arguments are not repeated in detail but can be reviewed whenever necessary.

In response to applicant's arguments contending that the references fail to teach the function of distinguishing a time period designated by a user (or an arbitrary time period) from other time periods displayed on a display unit and time period in which a purchased program is present from time period the purchased program is not present, the Examiner respectfully disagrees. For in the Lett's reference, a cursor is used to select or highlight a PPV programming (i.e., Terminator 2) and the time (e.g., 8:00) in which the program occurs (see fig. 6, and page 26, lines 2-8). The user selection of the PPV program "Terminator 2" when highlighted, fall within the time period of 8:00-12:00 and/or a 1-day-period (see figs. 15 and 16), although the figure only shows the selection of the 8 o'clock time clock. It is further noted that the cursor, when it is used to designate the 8 o'clock for the PPV program by highlighting this time clock from other time in the program guide, it is discriminating this PPV time period (e.g., the time the designated PPV program is showing) or an arbitrary time period from non PPV time (e.g., 8:30-9:30) in the

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display, and/or to allow the user to distinguish between the time of a purchased program (e.g. 8 o'clock, Terminator 2) and the non-highlighted or non-purchased programming time and programs. Thus, the cursor implementation of Lett is anticipatory for the means of distinguishing a time period designated by a user from other time periods displayed on a display. Therefore, the Applicants' arguments with respect to the claims are not deemed persuasive. Accordingly, the rejections are maintained.

The Applicants' arguments with regard to claims 4 and 5 obviates the rejections using the prior art assigned to Hama. Accordingly, the rejections to claims 4, and 5 are reconsidered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett, patent number (WO 95/28799).

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Considering claims 1-2, and 6 Lett, at fig. 4, sets forth and illustrates a method for displaying a plurality of program guides on a display unit in a matrix form by using one the ordinate (62) and the abscissa (60) as a channel number axis and another one as a time axis as claimed by the present invention, but lacks explicit recitation for the claimed means for distinguishing a time period designated by a user (or an arbitrary time period) from other time periods displayed on a display unit and time period in which a purchased program is present from time period the purchased program is not present.

Nonetheless, in the Lett's reference, a cursor is used to select or highlight a PPV programming (i.e., Terminator 2) and the time (e.g., 8:00) in which the program occurs (see fig. 6, and page 26, lines 2-8). The user selection of the PPV program "Terminator 2" when highlighted, fall within the time period of 8:00-12:00 and/or a 1-day-period (see figs. 15 and 16), although the figure only shows the selection of the 8 o'clock time clock. It is further noted that the cursor, when it is used to designate the 8 o'clock for the PPV program by highlighting this time clock from other time in the program guide, it is discriminating this PPV time period (e.g., the time the designated PPV program is showing) or an arbitrary time period from non PPV time (e.g., 8:30-9:30) in the display, and/or to allow the user to distinguish between the time of a purchased program (e.g. 8 o'clock, Terminator 2) and the non-highlighted or non-purchased programming time and programs. Thus, the cursor implementation of Lett is anticipatory for the means of distinguishing a time period designated by a user from other time periods displayed on a display.

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Therefore, based on the above analysis, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lett, wherein a means for distinguishing a time period designated by a user (or an arbitrary time period) from other time periods displayed on a display unit and time period in which a purchased program is present from time period the purchased program is not present. In modifying Lett as such, near video-on-demand features may be purchased for finite periods of time, and allow pause, rewind and fast-forward functions. See page 5, lines 16-18.

Regarding claims 3, and 7, it is noted that all claimed subject matters in the claim have been discussed above in the claims 1-2, and 6 rejections, except for the displaying of different colors purchased and non-purchased program guides.

However, it is noted that Lett uses a cursor to Highlight the PPV program (e.g., the Terminator”) and the time it is showing (e.g., 8:00), it is distinguishing the selected or purchased PPV program and time from the non-selected programs and times in different colors. is noted that in figure 6, the highlighted program and time is shown in white, and the non-highlighted programs and times are shown in grey. See page 26. Thus, Lett can be anticipatory for the displaying of different colors purchased and non-purchased program guides.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lett, wherein a means for displaying of different colors purchased and non-purchased program guides is provided; in order to provide a user-friendly system.

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In claims 8, and 9 the claimed “setting means allows the starting time and end time...” and the claimed “set for each day of the week by the user” would have been obvious over Lett’ disclosure, figures 13-14 since Lett provides the display of program guide schedule which is interacted with by a user by means of a remote control. Such guide could have included the start and ending time, and day of the week for a particular program.

Claim 11 is for the apparatus of claim 1 and is similarly rejected.

Claim 12 is for the apparatus of claim 6 and is similarly rejected.

Claim 13 includes the limitations of claims 6-8, and is rejected by the same basis and rationales set forth in above claims 6-8.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lett, patent number (WO 95/28799), in view of DeFreese (6493876).

As per claims 4 and 5, Lett sets forth or renders obvious most claimed subject matters of the invention as applied in the above claims 1-3 rejections, but fails show the means for displaying a mark or a bar indicating a direction of the channel axis.

DeFreese shows the mark or a bar (327 or 329, of fig. 14) indicating a direction of the channel axis.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Lett with DeFreese, in order to have a user

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friendly system, and to allow the user to highlight and/or make time selection of a particular programming.

### **Conclusion**

**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 872-9314, **(for technology center 2600 only)**

**Or:**

(703) 308-6606 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist

Commissioner of Patents and Trademarks

Washington, DC 20231

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Wesner Sajous** whose telephone number is **(703) 308- 5857**. The examiner can also be reached on Mondays thru Thursday and on alternate Fridays.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703) 308-6829 The fax phone number for this group is (703) 308-6606.

*Wesner Bajous - WOS*

*March 27, 2003*

